

Amendments to the Drawings:

The attached three (3) replacement sheets of drawings correct informalities in Figs. 15, 16, and 51 that are described more completely below.

Sheet one, which includes Fig. 15, replaces the original sheet including Fig. 15.

Sheet two, which includes Fig. 16 replaces the original sheet including Fig. 16.

Sheet three, which includes Fig. 51, replaces the original sheet including Fig. 51.

Attachment: Three (3) Replacement Sheets

REMARKS

Claims 1 to 100 were pending in the application at the time of examination. The rejection objected to the drawings, the specification, and Claims 9, 14, 19, 28, 33, 38, 47, 52, 74, 87 and 100. Claims 1 to 100 stand provisionally rejected for obviousness-type double patenting. Claims 65, 78 and 81 stand rejected under 35 U.S.C. § 112, second paragraph. Claims 1 to 100 stand rejected as anticipated.

Objections to the Drawings

The drawings were objected to because reference numeral 195 was used in the specification to denote two different elements. Applicant has amended paragraph [0005] to correct a typographical error and to render the objection moot. The amendment obtains correspondence between Fig. 1 and the specification. Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings.

Changes to the drawings

A review of the drawings showed that Fig. 15 includes two different elements with the same reference numerals "1505." A review of the specification showed that paragraph [0064] used reference numeral 1505 for both the Secure User Device and the Content Provisioner. To correct this error, paragraphs [0064] to [0067] of the specification are amended to use reference numeral "1510" for the Secure User Device so that each different element has a unique reference numeral. Accordingly, Fig. 15 was corrected to use reference numeral 1510 for the Secure User Device. The amendment to Fig. 15 obtains correspondence between the figure and the specification. The amendment to the specification assigns a unique reference numeral to

each element and thereby removes any possible ambiguity. Entry of the replacement sheet with corrected Fig. 15 is respectfully requested.

The review showed that Fig. 16 includes two different elements with the same reference numerals "1605." A review of the specification showed that paragraph [0068] used reference numeral 1605 for both the Secure User Device and the Content Provisioner. To correct this error, the specification is amended to use reference numeral "1610" for the Secure User Device so that each different element has a unique reference numeral. Accordingly, Fig. 16 was corrected to use reference numeral 1610 for the Secure User Device. The amendment to Fig. 16 obtains correspondence between the figure and the specification. The amendment to the specification assigns a unique reference numeral to each element and thereby removes any possible ambiguity. Entry of the replacement sheet with corrected Fig. 16 is respectfully requested.

The review of Fig. 51 also noted that in Fig. 51, elements 5120 and 5130 both included a typographical error "Token Token." Accordingly, one instance of "Token" was deleted from elements 5120 and 5130. This amendment obtains correspondence between the description and the drawings. Entry of the replacement sheet with corrected Fig. 51 is respectfully requested.

Objections to the Specification

Applicant has amended paragraph [0002] to remove the Attorney Docket Numbers and to properly reflect the status of the U.S. Patent Applications cited therein. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0002].

Applicant has amended paragraph [0014] to provide the term commonly associated with "ATM networks." Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0014].

Applicant has amended paragraph [0021] to provide the term commonly associated with "CGI." Also, the Examiner's attention is called to paragraph [0055] that already defined the term. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0021].

Applicant has amended paragraph [0024] to provide the term commonly associated with "HTTP." Also, the Examiner's attention is called to paragraph [0048] that already defined the term. Applicant respectfully requests reconsideration and withdrawal of the objection to paragraph [0024].

Claim Objections

Claims 9, 14, 19, 28, 33, 38, 47, 52, 57, 74, 87 and 100 stand objected to for the use of "HTTP." The objection required that "HTTP" be spelled out. Applicant has amended each of Claims 9, 14, 19, 28, 33, 38, 47, 52, 57, 74, 87 and 100 to spell out "HTTP." Applicant respectfully requests reconsideration and withdrawal of the objection to Claims 9, 14, 19, 28, 33, 38, 47, 52, 57, 74, 87 and 100.

Provisional Double Patenting Rejection in View of U.S. Patent Application Serial No. 10/687,488.

The rejection stated in part "The subject matter in the instant application is fully claimed in the reference copending application and would be covered by any patent that granted on that copending application."

Applicant respectfully traverses the provisional obviousness-type double patenting rejection. The above statement is in error.

First, the rejection only compares Claim 1 in the instant application with Claim 1 in the copending applications. This ignores the fact, for example, that independent Claims 10 and 15 in the instant application

have a scope different from that of Claim 1. Therefore, a prima facie rejection for Claims 10 and 15 in the instant application has not been made.

Moreover, Claim 1 in the copending application includes several limitations that are not in Claim 1 of the instant application, as shown in the rejection. Therefore, Claim 1 of the copending application fails to cover the invention recited in Claim 1 of the instant application, because Claim 1 of the instant application does not include all the limitations of the copending Claim 1. The rejection failed to cite any teaching or suggestion of why one of skill in the art would eliminate the extra limitations in the copending application. Therefore, the rejection has failed to establish prima facie obviousness at any level. Consequently, the provisional obviousness-type double patenting rejection is not well founded at any level. Applicant respectfully requests reconsideration and withdrawal of the provisional double-patenting rejection in view of U.S. Patent Application Serial No. 10/687,488.

Provisional Double Patenting Rejection in View of U.S.
Patent Application Serial No. 10/687,459.

The rejection stated in part "The subject matter in the instant application is fully claimed in the reference copending application and would be covered by any patent that granted on that copending application."

Applicant respectfully traverses the provisional obviousness-type double patenting rejection. The above statement is in error.

First, the rejection only compares Claim 1 in the instant application with Claim 1 in the copending applications. This ignores the fact, for example, that independent Claims 10 and 15 in the instant application have a scope different from that of Claim 1. Therefore, a prima facie rejection for Claims 10 and 15 in the instant application has not been made.

Moreover, Claim 1 in the copending application includes several limitations that are not in Claim 1 of the instant application, as shown in the rejection. Therefore, Claim 1 of the copending application fails to cover the invention recited in Claim 1 of the instant application, because Claim 1 of the instant application does not include all the limitations of the copending Claim 1. Specifically, Claim 1 of the instant application fails to infringe Claim 1 of the copending application without elimination of multiple elements from the claim of the copending application. The rejection failed to cite any teaching or suggestion of why one of skill in the art would eliminate the extra limitations in the copending application. Therefore, the rejection has failed to establish prima facie obviousness at any level. Consequently, the provisional obviousness-type double patenting rejection is not well founded at any level. Applicant respectfully requests reconsideration and withdrawal of the provisional double-patenting rejection in view of U.S. Patent Application Serial No. 10/687,459.

§ 112 Rejections

Claims 65, 78 and 91 stand rejected under 35 U.S.C. § 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to the rejection of Claims 65, 78 and 91, the Examiner stated:

Claims 65, 78, and 91 contain the trademark/trade name "Java Card". Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. **A trademark or trade name is used to**

identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a smart card and, accordingly, the identification/description is indefinite. (Emphasis Added).

Applicant respectfully traverses the § 112, second paragraph rejection of Claims 65, 78 and 91. The rejection mischaracterizes the claim and ignores the guidance in MPEP § 706.03(d), 8th Ed., Rev. 5, pp. 700-76, (August 2006) that was quoted in the rejection and the additional guidance in the MPEP as noted below. Contrary to the rejection, no material or product is identified or described in the claim by the trademark.

In Claims 65, 78 and 91, the material or product recited is "a ... smart card." The trademark does not identify a material or product, but rather functions as an adjective to limit the smart card to a particular type of smart card, a Java Card™ technology-enabled smart card. In addition, at least paragraph [0029] of the specification provides detailed information on what this means. Thus, the specification provides an explicit definition of "Java Card™ technology"

Applicant points out that the MPEP further directs:

The presence of a trademark or trade name in a claim is not, *per se*, improper under 35 U.S.C. 112, second paragraph, but the claim should be carefully analyzed to determine how the mark or name is used in the claim. It is important to recognize that **a trademark or trade name is used to identify a source of goods, and not the goods themselves.** (Emphasis Added).

MPEP § 2173.05(u) 8th Ed., Rev. 5, p. 2100-225 (Aug. 2006). Thus, the MPEP makes it clear that a trademark can be used in a claim so long as the trademark is not used as a noun to identify the goods. In these claims, the trademark is not a noun and does not identify the goods themselves but rather is an adjective that identifies the source for the

goods, which is a proper usage of the trademark as noted. Applicant respectfully requests reconsideration and withdrawal of 112, second paragraph rejection of each of Claims 65, 78 and 91.

Claims 1, 10, 15, 29, 34, 39, 48, 53, 58, 75, and 88 are amended to clarify that the operations are all performed on the same device. The amendments are supported, for example, at least by Fig. 59. Claims 40 to 47, 49 to 52, 54 to 57, 76 to 87 and 89 to 100 are amended to correct an informality created by the amendment to the independent claim from which each depended.

§ 102 Rejections

Claims 1 to 100 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publication No. 2004/0024652, hereinafter referred to as Buhse. With respect to Claims 1, 20, 39 and 58, the rejection cited paragraphs [0154] to [0158], [0160] to [0172], and [0123] to [0135]. Applicant respectfully traverses the anticipation rejection of each of Claims 1, 20, 39 and 58.

Paragraphs [0154] to [0158] describe a rights locker component (RLC), which is accessed via an OMS as shown in Fig. 6A of Buhse. Paragraphs [0160] to [0172] describe a "flow chart of an exemplary algorithm to perform the RLC function. The RLC processes requests from other components." Thus, the processing is performed by the RLC on a system that is different from a user device as shown in Fig. 1A of Buhse.

Paragraphs [0123] to [0135] describe an account management system of Fig. 5A. According to Buhse, "Account Management System (AMS) 103 [is] composed of an Account Management Gateway (AMG) 501 and an Account Management Component (AMC) 304." Thus, the rejection takes pieces from different parts of a system and recombines those

pieces according to Applicant's claim language and not any teaching in Buhse. Moreover, Buhse shows that the pieces selected are on a system that is separate and distinct from the user devices as illustrated in Fig. 1A of Buhse. Thus, Buhse teaches away from Applicant's invention as recited in each of Claims 1, 20, 39 and 58 that recite a user device and structure and operations on such a device. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 1, 20, 39 and 58.

Applicant respectfully traverses the anticipation rejection of each of Claims 2 to 9, 21 to 28, 40 to 47, and 59 to 74. Each of these claims distinguishes over Buhse at least for the same reasons as the independent claim from which it depends. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 2 to 9, 21 to 28, 40 to 47, and 59 to 74.

With respect to Claims 10, 29, 48 and 75, the rejection cited paragraphs [0154] to [0158] and [0123] to [0135]. Applicant respectfully traverses the anticipation rejection of Claims 10, 29, 48 and 75.

As noted above, paragraphs [0154] to [0158] describe a rights locker component (RLC), which is accessed via an OMS as shown in Fig. 6A of Buhse. Again, the processing is performed by the RLC on a system that is different from a user device as shown in Fig. 1A of Buhse.

Paragraphs [0123] to [0135] describe an account management system of Fig. 5A. According to Buhse, "Account Management System (AMS) 103 [is] composed of an Account Management Gateway (AMG) 501 and an Account Management Component (AMC) 304." Thus, the rejection takes pieces from different parts of a system and recombines those pieces according to Applicant's claim language and not any teaching in Buhse. Moreover, Buhse shows that the pieces selected are on a system that is separate and distinct from the user devices as illustrated in Fig. 1A of Buhse. Thus, Buhse teaches away from Applicant's invention as recited in

each of Claims 10, 29, 48 and 75 that recite a user device and structure and operations on such a device.

In addition, the rejection has cited no teaching of "digital content specification" and an associated authenticated rights locker access request." Paragraphs [0154] to [0158] of Buhse fail to include any teaching of a specification or an authenticated request. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 10, 29, 48 and 75.

Applicant respectfully traverses the anticipation rejection of each of Claims 11 to 14, 30 to 33, 49 to 52, and 76 to 87. Each of these claims distinguishes over Buhse at least for the same reasons as the independent claim from which it depends. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 11 to 14, 30 to 33, 49 to 52, and 76 to 87.

With respect to Claims 15, 34, 53 and 88, the rejection cited yet again paragraphs [0154] to [0158] and [0123] to [0135]. Applicant respectfully traverses the anticipation rejection of Claims 15, 34, 53 and 88. The above comments with respect to Claims 10, 29, 48 and 75 are directly applicable to these claims also and will not be repeated, but are incorporated herein by reference. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 15, 34, 53 and 88.

Applicant respectfully traverses the anticipation rejection of each of Claims 16 to 19, 35 to 38, 54 to 57, and 89 to 100. Each of these claims distinguishes over Buhse at least for the same reasons as the independent claim from which it depends. Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection of each of Claims 16 to 19, 35 to 38, 54 to 57, and 89 to 100.

Appl. No. 10/687,217

Amdt. dated May 24, 2007

Reply to Office Action of February 28, 2007

Claims 1 to 100 remain in the application. Claims 1, 9, 10, 14, 15, 19, 20, 28, 29, 33, 34, 38 to 100 have been amended. For the foregoing reasons, Applicant(s) respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on May 24, 2007.



Attorney for Applicant(s)

May 24, 2007

Date of Signature

Respectfully submitted,



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